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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

STATE FARM FIRE AND
CASUALTY COMPANY,

Plaintiff,

v.

MARC COHODES, and
HOLBROOK HOLDINGS, INC.

Defendant.

Civil Action No. CV-2:25-cv-41-BU-
JTJ

**DEFENDANT
HOLBROOK HOLDINGS, INC.'S
ANSWER TO COMPLAINT**

Defendant Holbrook Holdings, Inc. (“Holbrook”), through counsel, answers Plaintiff’s Complaint as follows.

PARTIES

1. Holbrook lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

2. Holbrook admits that, on information and belief, Defendant Marc Cohodes resides in Gallatin County and is a citizen of Montana. Holbrook lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

3. Holbrook admits that it is a financial advisory firm that is incorporated in Oregon and has its principal place of business in Atlanta.

JURISDICTION AND VENUE

4. Holbrook lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

5. Holbrook admits that it seeks more than \$75,000 in damages against Cohodes in a separate case pending before this Court (Civil Action No. 2:24-cv-00175-JTJ). Holbrook lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

6. Holbrook admits that, on information and belief, Defendant Marc Cohodes resides in Gallatin County, which is within this district. Holbrook lacks

knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

THE RELEVANT INSURANCE POLICIES

7. Holbrook lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

8. Holbrook lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

COMMON ALLEGATIONS

9. Holbrook admits that it filed a complaint against Cohodes on November 8, 2024 in a case with substantially the same docket information as alleged in this paragraph. Holbrook admits that the referenced exhibit (Exhibit 3) appears to be a true and accurate copy of Holbrook's complaint, except it does not include exhibits that were attached to and filed with the complaint.

10. Admitted.

11. Admitted.

12. Admitted.

13. Admitted.

14. Admitted.

15. Admitted.

16. Admitted.

17. Admitted.

18. Admitted.

19. Admitted.

20. Admitted.

21. Admitted.

22. Holbrook admits that it seeks recovery for defamatory statements Cohodes published on X on the dates referenced in this paragraph. Holbrook denies the allegations in this paragraph to the extent they purport to describe every legal or factual claim that Holbrook has made or might make in the lawsuit.

23. Admitted.

**FIRST CLAIM FOR RELIEF
DECLARATORY JUDGMENT – DUTY TO DEFEND
AGAINST COHODES**

24. Holbrook incorporates by reference its preceding responses.

25. Holbrook lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

26. Holbrook lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

27. Holbrook lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

28. Holbrook lacks knowledge or information sufficient to form a belief

about the truth of the allegations in this paragraph.

29. Holbrook lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

30. Holbrook lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

**SECOND CLAIM FOR RELIEF
DECLARATORY JUDGMENT – DUTY TO INDEMNIFY
AGAINST ALL DEFENDANTS**

31. Holbrook incorporates by reference its preceding responses.

32. Holbrook denies the allegation that there exists an actual controversy between State Farm and Holbrook. Holbrook lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

33. Holbrook lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

34. Holbrook lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

35. Holbrook lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

36. Holbrook lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

PLAINTIFF’S PRAYER FOR RELIEF

Holbrook objects to the relief sought in each of State Farm’s prayers.

HOLBROOK’S AFFIRMATIVE DEFENSES

1. This Court lacks subject-matter jurisdiction over claims by State Farm against Holbrook because there is no justiciable case or controversy between State Farm and Holbrook.

2. State Farm lacks standing to assert claims against Holbrook because State Farm has not suffered a concrete and particularized injury traceable to Holbrook and the relief sought against Holbrook would not redress any injury to State Farm.

3. State Farm fails to state a plausible claim for relief against Holbrook.

DEFENDANT’S PRAYER FOR RELIEF

WHEREFORE, Defendant Holbrook Holdings, Inc. respectfully requests that this Court:

Dismiss Plaintiff’s claims with prejudice;

Award Holbrook Holdings, Inc. its attorney’s fees and costs incurred in defending this action; and

Grant such other and further relief as the Court deems just and proper.

Dated: June 5, 2025.

/s/ Matthew J. Kelly

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*Counsel for Defendant Holbrook Holdings,
Inc.*

CERTIFICATE OF SERVICE

I hereby certify that, on June 5, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record who are deemed to have consented to electronic service.

/s/ Matthew J. Kelly

Matthew J. Kelly